

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Ben's Auto Body, Inc.

v.

Civil No. 07-cv-417-PB

Progressive Casualty Insurance Co.
Progressive Direct Insurance Co.

O R D E R

The parties have filed supplemental memoranda on plaintiff's motion to compel (doc. no. 50). I have reviewed them and memoranda on the dispositive motion.

It is apparent that plaintiff has reason to believe defendant has engaged in steering. See pages 8-9 of document no. 47-2. Providing discovery of the claims files for the persons identified on those pages is not overly burdensome, and if it provides evidence of steering, then more pervasive discovery may be justified.

Defendants are ordered to produce all of the claims files, including tape recordings, for the individuals identified on pages 8-9 of document no. 47-2 and, to the extent answers are not discernable from the files, to answer interrogatory #2 as to each. Plaintiff may seek further discovery if the ordered discovery demonstrates "steering".

The motion (doc. no. 50) is granted to the extent set forth.

SO ORDERED.



James R. Muirhead
United States Magistrate Judge

Date: November 19, 2009

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